The House Committee on Governmental Affairs offers the following substitute to SB 145:

A BILL TO BE ENTITLED AN ACT

- 1 To amend Title 16 and Code Section 31-2A-18, relating to crimes and offenses and the
- 2 establishment of the Low THC Oil Patient Registry, respectively, so as to change provisions
- 3 relating to the regulation of low THC oil; to revise and provide for definitions; to expand
- 4 conditions for which low THC oil may be recommended for treatment; to clarify provisions
- 5 of existing law; to provide for other lawful activities; to change reporting requirements; to
- 6 amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so as
- 7 to provide for a different criteria for driving under the influence of marijuana; to provide for
- 8 a cross-reference; to provide for related matters; to repeal conflicting laws; and for other
- 9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 SECTION 1.

12 This Act shall be known and may be cited as "Haleigh's Hope Act - Part II."

13 SECTION 2.

- 14 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
- amended by revising Code Section 16-12-190, relating to a definition, as follows:
- 16 "16-12-190.
- 17 As used in this article, the term 'low THC oil' means an oil that contains an amount of
- 18 <u>cannabidiol and</u> not more than 5 percent by weight of tetrahydrocannabinol,
- 19 tetrahydrocannabinolic acid, or a combination of tetrahydrocannabinol and
- 20 <u>tetrahydrocannabinolic acid which does not contain plant material exhibiting the external</u>
- 21 <u>morphological features of the plant of the genus Cannabis</u> and an amount of cannabidiol
- 22 equal to or greater than the amount of tetrahydrocannabinol."

23 SECTION 3.

24 Said title is further amended in Code Section 16-12-191, relating to possession, manufacture,

- 25 distribution, or sale of low THC oil, by revising paragraph (1) of subsection (a) and
- 26 subsection (b) and by revising subsection (e) as follows:
- 27 "(a)(1) Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for
- any person to possess or have under his or her control 20 fluid ounces or less of low THC
- oil if:
- 30 (A) Such person is registered with the Department of Public Health as set forth in Code
- 31 Section 31-2A-18;
- 32 (B) Such person and has in his or her possession a registration card issued by the
- 33 Department of Public Health; and
- 34 (C)(B) Such substance is in a pharmaceutical container labeled by the manufacturer
- indicating the percentage of tetrahydrocannabinol or tetrahydrocannabinolic acid
- 36 therein."
- 37 "(b)(1) Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for
- any person to possess or have under his or her control 20 fluid ounces or less of low THC
- 39 oil if:
- 40 (A) Such person is involved in a clinical research program being conducted by the
- Board of Regents of the University System of Georgia or any authorized clinical trial
- or research study <u>protocol</u> in this state or <u>is an</u> authorized agent pursuant to Chapter 51
- 43 of Title 31 as:
- 44 (i) A program participant;
- 45 (ii) A parent, guardian, or legal custodian of a program participant;
- 46 (iii) An A designated employee of the board of regents designated to participate in
- 47 the research program;
- 48 (iv) A program An agent;
- 49 (v) A program collaborator and their designated employees;
- 50 (vi) A program supplier and their designated employees;
- 51 (vii) A program physician;
- 52 (viii) A program clinical researcher;
- 53 (ix) Program pharmacy Pharmacy personnel; or
- 54 (x) Other program medical personnel;
- 55 (B) Such person has in his or her possession a permit issued as provided in Code
- 56 Section 31-51-7; and
- 57 (C) Such substance is in a pharmaceutical container labeled by the manufacturer
- 58 indicating the percentage of tetrahydrocannabinol or tetrahydrocannabinolic acid
- 59 therein."

60 "(e) Subsections (c) and (d) of this Code section shall not apply to a person involved in a 61 research program being conducted by the Board of Regents of the University System of 62 Georgia or its authorized agent pursuant to Chapter 51 of Title 31 as an employee of the 63 board of regents designated to participate in such program, a program agent, a program collaborator and their designated employees, a program supplier and their designated 64 employees, a physician, clinical researcher, pharmacy personnel, or other medical 65 66 personnel identified in subparagraph (b)(1)(A) of this Code section, provided that such person has in his or her possession a permit issued as provided in Code Section 31-5-7 67 68 <u>31-51-7</u> and such possession, sale, manufacturing, distribution, or dispensing is solely for the purposes set forth in Chapter 51 of Title 31." 69

70 SECTION 4.

- 71 Said title is further amended by adding a new Code section to read as follows:
- 72 "<u>16-12-192.</u>
- Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for a
- manufacturer of low THC oil to ship low THC oil to a person registered with the
- 75 <u>Department of Public Health under Code Section 31-2A-18."</u>

76 **SECTION 5.**

- 77 Said title is further amended by revising paragraph (16) of Code Section 16-13-21, relating
- 78 to the definitions for the regulation of controlled substances, as follows:
- 79 "(16) 'Marijuana' means all parts of the plant of the genus Cannabis, whether growing or
- not, the seeds thereof, the resin extracted from any part of such plant, and every compound,
- 81 manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but
- shall not include samples tetrahydrocannabinol as described in subparagraph (P) of
- paragraph (3) of Code Section 16-13-25 and shall not include the completely defoliated
- mature stalks of such plant, fiber produced from such stalks, oil, or cake, or the completely
- sterilized samples of seeds of the plant which are incapable of germination."

86 **SECTION 6.**

- 87 Said title is further amended by revising subparagraph (P) of paragraph (3) of Code Section
- 88 16-13-25, relating to Schedule I controlled substances, as follows:
- 89 "(P) Tetrahydrocannabinols which shall include, but are not limited to:
- 90 (i) All synthetic or naturally produced samples containing more than 15 percent by
- 91 weight of tetrahydrocannabinols; and
- 92 (ii) All synthetic or naturally produced tetrahydrocannabinol samples which do
- 93 <u>Tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination of</u>

94 tetrahydrocannabinol and tetrahydrocannabinolic acid which does not contain plant 95 material exhibiting the external morphological features of the plant cannabis of the 96 genus Cannabis;" 97 **SECTION 7.** 98 Code Section 31-2A-18, relating to the establishment of the Low THC Oil Patient Registry, 99 definitions, purpose, registration cards, quarterly reports, and waiver forms, is amended by 100 revising paragraph (3) of subsection (a) and subsections (c) and (e) as follows: 101 "(3) 'Condition' means: 102 (A) Cancer, when such diagnosis is end stage or the treatment disease produces related wasting illness, recalcitrant nausea, and vomiting; 103 104 (B) Amyotrophic lateral sclerosis, when such diagnosis is severe or end stage; 105 (C) Seizure disorders related to diagnosis of epilepsy or trauma related head injuries; 106 (D) Multiple sclerosis, when such diagnosis is severe or end stage; (E) Crohn's disease, ulcerative colitis, or irritable bowel syndrome; 107 108 (F) Mitochondrial disease; 109 (G) Parkinson's disease, when such diagnosis is severe or end stage; or 110 (H) Sickle cell disease, when such diagnosis is severe or end stage; 111 (I) Autism spectrum disorder; 112 (J) Epidermolysis bullosa; 113 (K) Human immunodeficiency virus or acquired immune deficiency syndrome; 114 (L) Peripheral neuropathy; 115 (M) Tourette's syndrome; (N) Terminal illness, with a probable life expectancy of less than two years, if the 116 117 illness or its treatment produces one or more of the following: 118 (i) Severe pain; 119 (ii) Nausea or severe vomiting; or 120 (iii) Cachexia or severe wasting; or (O) Post-traumatic stress disorder." 121 "(c) The purpose of the registry is to provide a registration of individuals and caregivers 122 who have been issued registration cards. The department shall establish procedures and 123 124 promulgate rules and regulations for the establishment and operation of the registration process and dispensing of registry cards to individuals and caregivers. Only individuals 125 residing in this state for at least one year or a child born in this state less than one year old 126

securing THC oil for treatment of any condition under this Code section."

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shall be eligible for registration under this Code section. Nothing in this Code section shall

apply to any Georgia residents living temporarily in another state for the purpose of

"(e) The board shall require physicians to issue quarterly reports an annual report to the board. Such reports report shall require physicians to provide information, including, but not limited to, dosages recommended for a particular condition, clinical responses, compliance, responses to treatment, side effects, and drug interactions."

134 SECTION 8.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended by revising subsections (a) and (b) of Code Section 40-5-75, relating to suspension of driver's licenses by operation of law, as follows:

- "(a) The driver's license of any person convicted of driving or being in actual physical control of any moving vehicle while under the influence of a controlled substance or marijuana in violation of paragraph (2), (4), or (6), or (7) of subsection (a) of Code Section 40-6-391 or the law of any other jurisdiction, shall by operation of law be suspended, and such suspension shall be subject to the following terms and conditions:
 - (1) Upon the first conviction of any such offense, with no arrest and conviction of and no plea of nolo contendere accepted to such offense within the previous five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for not less than 180 days. At the end of 180 days, the person may apply to the department for reinstatement of his or her driver's license. Such license shall be reinstated only if the person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays to the department a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail;
 - (2) Upon the second conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for three years, provided that after one year from the date of the conviction, the person may apply to the department for reinstatement of his or her driver's license by submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the department a restoration fee of \$310.00 or \$300.00 when such reinstatement is processed by mail; and
 - (3) Upon the third or subsequent conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, such person's license shall be suspended for a period of five years. At the end of two years, the person may apply to the department for a three-year driving permit upon compliance with the following conditions:

(A) Such person has not been convicted or pleaded nolo contendere to any drug related offense, including driving under the influence, for a period of two years immediately preceding the application for such permit;

- (B) Such person submits proof of completion of a licensed drug treatment program.
- Such proof shall be submitted within two years of the license suspension and prior to
- the issuance of the permit. Such licensed drug treatment program shall be paid for by
- the offender. The offender shall pay a permit fee of \$25.00 to the department;
- (C) Such person submits proof of financial responsibility as provided in Chapter 9 of
- this title; and

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- 175 (D) Refusal to issue such permit would cause extreme hardship to the applicant. For
- the purposes of this subparagraph, the term 'extreme hardship' means that the applicant
- cannot reasonably obtain other transportation, and, therefore, the applicant would be
- 178 prohibited from:
- (i) Going to his or her place of employment or performing the normal duties of his
- or her occupation;
- (ii) Receiving scheduled medical care or obtaining prescription drugs;
- 182 (iii) Attending a college or school at which he or she is regularly enrolled as a
- student; or
- 184 (iv) Attending regularly scheduled sessions or meetings of support organizations for
- persons who have addiction or abuse problems related to alcohol or other drugs,
- which organizations are recognized by the commissioner.
- Any permittee who is convicted of violating any state law or local ordinance relating to
- the movement of vehicles or any permittee who is convicted of violating the conditions
- endorsed on his or her permit shall have his or her permit revoked by the department.
- Any court in which such conviction is had shall require the permittee to surrender the
- permit to the court, and the court shall forward it to the department within ten days after
- the conviction, with a copy of the conviction. Any person whose limited driving permit
- has been revoked shall not be eligible to apply for a driver's license until six months from
- the date such permit was surrendered to the department. At the end of five years from the
- date on which the license was suspended, the person may apply to the department for
- reinstatement of his or her driver's license by submitting proof of completion of a DUI
- 197 Alcohol or Drug Use Risk Reduction Program and paying to the department a restoration
- fee of \$410.00 or \$400.00 when such reinstatement is processed by mail.
- (b) Except as provided in Code Section 40-5-76, whenever a person is convicted of driving
- or being in actual physical control of any moving vehicle while under the influence of a
- controlled substance or marijuana in violation of paragraph (2), (4), or (6), or (7) of
- subsection (a) of Code Section 40-6-391 or the law of any other jurisdiction, the court in

which such conviction is had shall require the surrender to it of any driver's license then held by the person so convicted, and the court shall thereupon forward such license and a copy of its order to the department within ten days after the conviction. The periods of suspension provided for in this Code section shall begin on the date of surrender of the driver's license or on the date that the department processes the conviction or citation, whichever shall first occur."

SECTION 9.

Said title is further amended in subsection (a) of Code Section 40-6-391, relating to driving under the influence of alcohol, drugs, or other intoxicating substances, by deleting "or" at the end of paragraph (5), by revising paragraph (6), and by adding a new paragraph to read as follows:

"(6) Subject to the provisions of subsection (b) of this Code section, there is any amount of marijuana or a controlled substance, as defined in Code Section 16-13-21, present in the person's blood or urine, or both, including the metabolites and derivatives of each or both a controlled substance without regard to whether or not any alcohol is present in the person's breath or blood; or

(7) The concentration of delta 9-tetrahydrocannabinol is two nanograms per milliliter or more as shown by analysis of the person's blood, without regard to whether or not any alcohol is present in the person's breath or blood, at any time within three hours after such driving or being in actual physical control from delta 9-tetrahydrocannabinol ingested before such driving or being in actual physical control ended."

SECTION 10.

All laws and parts of laws in conflict with this Act are repealed.